

JS 44 (Rev. 12/12)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Nickole Courts  
615 Second Avenue  
Asbury Park, NJ 07712

(b) County of Residence of First Listed Plaintiff Monmouth County  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, Email and Telephone Number)

Dennis M. Abrams  
Lowenthal & Abrams, 555 City Ave, Ste. 500, Bala Cynwyd, PA  
dennis@lowenthalabrams.com; 610-667-7511

**DEFENDANTS**

United States of America  
c/o The General Services Administration, 1500 East Bannister Road,  
Room 1207 (LDT6), Kansas City, MO 64131

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RS1 (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
Federal Tort Claims Act 28 U.S.C. § 2671 and 28 U.S.C. § 2674; 28 U.S.C. § 1346(b)  
Brief description of cause:

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$  
500,000.00

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE  
10/05/2015

SIGNATURE OF ATTORNEY OF RECORD  
s/ Dennis M. Abrams

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_





States Government while acting within the scope of their employment pursuant to 28 U.S.C. § 1346(b).

5. An administrative claim was presented to the General Services Administration on October 17, 2014 and the GSA denied Plaintiff's claim on February 23, 2015.

6. Plaintiff submitted an appeal to the GSA denial on March 2, 2015.

7. On April 7, 2015, the GSA made a final denial of Plaintiff's claim; accordingly the prerequisite for filing suit pursuant to 20 U.S.C. § 2675 has been satisfied.

8. Venue is proper in this district as Plaintiff is a resident of the State of New Jersey and the incident referenced herein occurred at a GSA office in the State of New Jersey.

### **COUNT ONE**

9. Plaintiffs repeat and reallege all factual allegations contained in paragraphs 1 through 8 above and incorporate the same herein as though set forth at length.

10. On or about December 10, 2012, Plaintiff Nickole Courts was a business invitee at the Social Security Administration office building located at 3310 State Road 66, Neptune Township, NJ 07753.

11. On the aforesaid date, the Federal Agency, the General Services Administration leased the building located at 3310 State Road 66, Neptune Township, New Jersey for the benefit of the Social Security Administration.

12. On the aforesaid date, the Federal Agency, the General Services Administration leased, operated, possessed, controlled, designed, inspected, constructed, repaired, oversaw, secured and maintained the public areas, including but not limited to, entrances, exits, aisles, flooring, thresholds, exhibits, and fixtures, at the premises known as the Social Security Office, located at 3310 State Road 66, Neptune Township, NJ 07753.

13. On the aforesaid date, the Plaintiff, Nickole Courts, while walking within those premises known as the Social Security Office, located at 3310 State Road 66, Neptune Township, NJ 07753, was caused to slip on a wet area of flooring (upon information and belief, rainwater) located in and/or near the building vestibule, causing her to fall, and causing her to suffer those losses and injuries which are hereinafter set forth due solely to the carelessness and negligence of the General Services Administration.

14. The above-described accident was caused by the negligence and carelessness of employees of the General Services Administration who caused and/or allowed a slippery substance to remain on the main walkway inside the Social Security Office.

15. As a result of the aforesaid negligence, Plaintiff Nickole Courts suffered severe and multiple injuries including, but not limited to, cracked front upper teeth; facial laceration; facial scarring and cognitive losses, any or all of which are permanent in nature, accompanied by great pain and suffering, requiring monies to be expended for her medical care and treatment and preventing her from attending to her normal duties and activities, impairing her earning capacity and affecting her quality of life, all of which will continue indefinitely into the future.

WHEREFORE, Plaintiffs demand judgment against Defendant in the amount of \$500,000 (Five-Hundred Thousand Dollars) together with interest and costs of suit.

### **COUNT TWO**

16. Plaintiffs repeat and reallege all factual allegations contained in paragraphs 1 through 15 above and incorporate the same herein as though set forth at length.

17. The Defendant United States of America is vicariously liable and responsible for the carelessness and negligence of its employees, servants, workmen and/or contractors, which includes but is not limited to negligently and carelessly maintaining, cleaning, barricading,

securing, mopping and monitoring the public areas, including but not limited to, entrances, exits, aisles, walkways, flooring, matting, thresholds, exhibits, and fixtures, at the premises known as the Social Security Office, located at 3310 State Road 66, Neptune Township, NJ 07753, and .

18. As a result of the aforesaid negligence, Plaintiff Nickole Courts suffered severe and multiple injuries including, but not limited to, cracked front upper teeth; facial laceration; facial scarring and cognitive losses, any or all of which are permanent in nature, accompanied by great pain and suffering, requiring monies to be expended for her medical care and treatment and preventing her from attending to her normal duties and activities, impairing her earning capacity and affecting her quality of life, all of which will continue indefinitely into the future.

WHEREFORE, Plaintiffs demand judgment against Defendant in the amount of \$500,000 (Five-Hundred Thousand Dollars) together with interest and costs of suit.

**JURY TRIAL DEMAND**

Plaintiffs hereby demand trial by jury.

Date: 10/5/15

s/ Dennis M. Abrams  
Dennis M. Abrams, Esq.  
Attorney for Plaintiffs  
NJ Attorney ID 027091990

385 Kings Highway North, Suite 210  
Cherry Hill, New Jersey 08034  
(856) 667-7515

**CERTIFICATION PURSUANT TO RULE 11.2**

Following my initial review of this matter, it appears that there are no other persons who should be joined as parties.

Following my initial review of this matter, I am not aware of any other actions or arbitrations related to this suit pending or presently contemplated other than a possible action by Plaintiffs to recover personal injury protection benefits, if necessary.

The above is true and correct.

LOWENTHAL & ABRAMS, PC

Date: 10/5/15

s/ Dennis M. Abrams

Dennis M. Abrams, Esq.

Attorney for Plaintiffs

NJ Attorney ID 027091990

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